

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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EDDIE RAY GEORGE WASHINGTON BOZARTH.

Plaintiff,

VS.

FRANKLIN KATSCHKE, ET AL.,

Defendant.

Case No. 2:22-cv-01265-RFB-VCF

ORDER

MOTION TO USE IFP APPLICATION FROM
2:22-cv-01229 [ECF No. 3]

Pro se plaintiff Eddie Ray George Washington Bozarth filed a complaint, but he did not pay the filing fee, or file an application to proceed in forma pauperis. ECF No. 1. Plaintiff then filed a motion asking the Court to use his IFP application from a previously filed case, *Bozarth v. Meadow Valley Justice Court et al.*, 2:22-cv-01229-MMD-NJK, so that he did not have to fill out a new IFP application. ECF No. 3. I deny plaintiff's request.¹

To proceed without paying the standard filing fee, 28 U.S.C. § 1915 and LSR 1-1 of the Local Rules of Practice require that a litigant must submit the court's form IFP application and supporting documents. If plaintiff wishes to commence this action, be must either file an application to proceed in forma pauperis on the Court's approved form and file it in this case OR pay the filing fee.

Accordingly,

I ORDER that plaintiff must either (1) file an IFP application on the Court's approved form or

¹ I also note that the Court denied plaintiff's IFP application in that case. See *Bozarth v. Meadow Valley*, 22-cv-01229, at ECF No. 4.

1 (2) pay the filing fee by Friday, September 30, 2022. Failure to comply may result in case closure or
2 dismissal.

3 I FURTHER ORDER that plaintiff's motion to use IFP application from 2:22-cv-01229 (ECF
4 No. 3) is DENIED.

5 **NOTICE**

6 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
7 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
8 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
9 may determine that an appeal has been waived due to the failure to file objections within the specified
10 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file
11 objections within the specified time and (2) failure to properly address and brief the objectionable issues
12 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the
13 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*
14 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file
15 written notification with the court of any change of address. The notification must include proof of
16 service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by
17 counsel. Failure to comply with this rule may result in dismissal of the action.

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19 IT IS SO ORDERED.

20 DATED this 31st day of August 2022.

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CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE